

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E SCIBA
 AUG 22 2005
 PATENT & TRADEMARK OFFICE

Applicant:	Brett M. Webb	Examiner:	Geoffrey R. Akers
Serial No.:	09/825,583	Group Art Unit:	3625
Filed:	April 3, 2001	Docket No.:	10003931-1
Title:	NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM AND METHOD		

DECLARATION OF STEVEN E. DICKE AND PAUL S. GRUNZWEIG

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir/Madam:

This Declaration is submitted in support of the Declaration of Prior Invention Under 37 C.F.R. 1.131 submitted to establish conception of the subject matter of the present patent application prior to the effective reference date of December 20, 2000 of Onyshkevych et al U.S. Patent Publication 2002/0138170 coupled with due diligence from prior to the effective date to the filing date April 3, 2001 of the present patent application (i.e., constructive reduction to practice).

The persons making this Declaration are patent attorneys Steven E. Dicke and Paul S. Grunzweig of Dicke, Billig & Czaja. We state as follows:

On or after September 7, 2000, Steven E. Dicke received HP Invention Disclosure No. 10003931-1 from HP Patent Attorney-Outsourcing Manager Steven R. Ormiston (see Attachment 1). Upon receiving this invention disclosure, it was placed in a queue of other patent applications to be prepared on behalf of HP.

On September 28, 2000, Steven E. Dicke sent a letter to patent attorney Paul S. Grunzweig requesting that he prepare five patent applications on behalf of HP including the present patent application (see Attachment 2). Attachment 2 reveals the respective deadlines for preparation of the five patent applications.

During the period between approximately September 28, 2000 and January 4, 2001, we had a reasonable backlog of unrelated cases (including the four unrelated cases, along with the present case H302.157.101, identified in Attachment 2) on which we worked reasonably hard and carried out expeditiously. Our practice was to attend to the preparation of patent applications having bar dates first and attend to the preparation of the remaining

Declaration of Steven E. Dicke and Paul S. Grunzweig

Applicant: Brett M. Webb

Serial No.: 09/825,583

Filed: April 3, 2001

Docket No.: 10003931-1

Title: NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM AND METHOD

patent applications generally in the chronological order in which they were received while making attempting to meet filing deadlines determined by HP.

Attachment 3 is a copy of billing invoice detailing activities of patent attorney Paul S. Grunzweig for preparation of the present patent application, covering time period from January 4, 2001 through January 31, 2001, including a teleconference with the inventor and preparation of the patent application (see Attachment 3).

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Steven E. Dicke Date: 8/17/05
Steven E. Dicke

Name: Paul S. Grunzweig Date: 8-17-05
Paul S. Grunzweig

BEST AVAILABLE COPY



INVENTION DISCLOSURE

PDNO 10003931

DATE RCVD 5-11-2000

PAGE ONE OF _____
ATTORNEY LGM

LCS

Instructions: The information contained in this document is COMPANY CONFIDENTIAL and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.

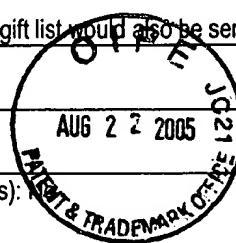
Descriptive Title of Invention:

Gift idea category for existing web reminder services. Not only a reminder is sent, shopping URL's for items in gift list would also be sent.

Name of Project:

Product Name or Number:

Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication(s): No



Was a product including the invention announced, offered for sale, sold, or is such activity proposed? If so, the date(s) and location(s): No

Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s): Yes. Disclosed on September 14, 1999. Document attached.

If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-898-4919 or 970-898-4919.

Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.)

Lab Book 4233.

Was the invention built or tested? If so, the date:

No

Was this invention made under a government contract? If so, the agency and contract number:

No

Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

- Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)
- Advantages of the invention over what has been done before.
- Problems solved by the invention.
- Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

Signature of Inventor(s): Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: []

J.

524735 Brett M. Webb

Employee No. Name

Signature

6-6190 272

4600-LCS

Telnet Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet Mailstop

Entity & Lab Name

Employee No. Name

Signature

Telnet Mailstop

Entity & Lab Name

(If more than four inventors, include additional information on another copy of this form and attach to this document)

Exhibit A

INVENTION DISCLOSURE

COMPANY CONFIDENTIAL

PAGE ____ OF ____

Signature of Witness(es): (Please try to obtain the signature of the person(s) to whom invention was first disclosed.)

The invention was first explained to, and understood by, me (us) on this date: []

Full Name

Signature

Date of Signature

Full Name

Signature

Date of Signature

Inventor & Home Address Information: (If more than four inventors, include addl. information on a copy of this form & attach to this document)

Inventor's Full Name

Brett M. Webb

Street

1899 E Mackay

City

Meridian

State

Zip

Idaho

83642

Do you have a Residential P.O. Address? P.O. BOX

City

State

Zip

Greeted as (nickname, middle name, etc.)

Citizenship

American

Inventor's Full Name

Street

City

State

Zip

Do you have a Residential P.O. Address? P.O. BOX

City

State

Zip

Greeted as (nickname, middle name, etc.)

Citizenship

Inventor's Full Name

Street

City

State

Zip

Do you have a Residential P.O. Address? P.O. BOX

City

State

Zip

Greeted as (nickname, middle name, etc.)

Citizenship

Inventor's Full Name

Street

City

State

Zip

Do you have a Residential P.O. Address? P.O. BOX

City

State

Zip

Greeted as (nickname, middle name, etc.)

Citizenship

Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)

Brief Description: Currently there are dozens of reminder services on the internet. They provide calendars or email reminders of important events such as birthdays, anniversaries, holidays, etc. However, none provide a section that would allow the user to input gift ideas for the particular event. The "gift ideas" would allow the user to input items that they might want to purchase for the event (this could include brand name, the amount the user is willing to spend). The ideas could be added or taken off the list at any time. When the reminder is sent (email/page/etc.), or when the calendar is accessed, a queried list of gift URL's would be shown. This list would contain direct links to the items in the "gift list" that they could purchase online. Then, the user could simply click on the provided URL's to find the best price and best gift. This would provide the user with an extremely convenient way to do quick shopping.

Example: If Yahoo! Calendar would integrate this idea into their current calendar; a user could enter gift ideas throughout the year for a particular birthday. Let's say the user enters a cordless razor between \$40-\$60 in price range. When the reminder email is sent, Yahoo! Shopping could use the "gift items" as search criteria and send a list of URL's with the reminder email.

B. Advantages of the invention over what has been done before.

Again, there are dozens of reminder services on the internet. They all provide calendars, email, or both for important events such as birthdays, anniversaries, etc. None (that I have found) provide a "gift idea" category along with gift URL's sent at the time of the reminder email. So, the advantages are simple, to allow the user to collect gift ideas throughout the year for special events. When the reminder is sent, allow the user to go directly to where the item is being sold online so they can purchase it.

Problems solved by the invention.

For current reminder services, only the reminder is sent. A person then must then think of what they would like to buy the person. With this "gift idea" service, the user not only gets a reminder, they also can go directly shopping for the item they are searching for. Like Amazon's patented "One Click", this is like one stop shopping. Also, it would allow users to keep a log of their ideas. Especially if the event is a considerable time away, they

won't forget what the perfect gift.

D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

WEBB,BRETT (HP-Boise,ex1)

From: Yahoo Calendar [calendar-feedback@yahoo-inc.com]
Sent: Tuesday, September 14, 1999 4:02 PM
To: Brett Webb
Subject: Re: Feedback - Suggestions (KMM7583294C0KM)

Thank you for writing to Yahoo! Customer Care.

Since the launch of Yahoo! Calendar we have received quite a few great suggestions. It is through these comments and feedback that we are able to continue to make improvements.

We're already starting to build a database of user suggestions for our next round of enhancements.

Please let us know if you have further questions.

Original message follows:

Feedback from: Brett Webb (brett_webb@am.exch.hp.com)

Regarding: <http://help.yahoo.com/help/us/cal/>

Frequency of Use: It's my first time

I have been researching reminder calendars and see an opportunity for Yahoo!. There are many sites that will email a person 0-?? days before a birthday, anniversary, etc. However, there are no calendar sites that actually allow a person to type in gift idea(s) that he or she would like to purchase for the special occasion. It would be a useful and powerful feature for Yahoo! to add the capability of allowing a user to type in "gift ideas". These "gift ideas" could be added to or subtracted from the list at any time. When the reminder email/page is sent, the Yahoo! shopping service could query the gift ideas and send gift URL links. This would allow the user not only to receive a reminder message, but also give the user an extremely convenient way to do some quick shopping with the included links.

Thank you for letting me voice my suggestion. If you have any questions or concerns, please feel free to contact me.

Sincerely,
Brett Webb

a) Yahoo ID: bmw31972
Browser: Mozilla/4.6 [en] (X11; I; Linux 2.2.5-15 i686)
REMOTE_ADDR: 156.153.255.218
REMOTE_HOST: 156.153.255.218
Date Originated: Monday September 13, 1999 - 15:45:44

DICKE, BILLIG & CZAJA, P.A.

Patent • Trademark • Copyright • Attorneys

Suite 1250 • 701 Building • 701 Fourth Avenue South • Minneapolis, Minnesota 55415
Telephone (612) 573-2000 Facsimile (612) 573-2005

FAX TRANSMITTAL COVER SHEET

Date: February 6, 2001	No. of pages: 26 (including this page)
-------------------------------	---

To: Brett Webb	From: Paul Grunzweig
-----------------------	-----------------------------

 Company: Hewlett-Packard | **Re: Draft Application** | **Your Ref.: 10003931-1** | **Our Ref.: H302.157.101** | **Fax No.: 208.396.7768** | **Phone No.: 612.878.4373** | **Phone No.: 208.396.6190** |

Documents being sent: Draft Application & Drawings

Message: Please call me Tuesday with comments.

Thank you,

Paul

Please notify us at 612-573-2000 if all pages are not received.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Exhibit C

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0477
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	02/06 08:13
USAGE T	09 '32
PGS. SENT	26
RESULT	OK

DICKE, BILLIG & CZAJA, P.A.

Patent • Trademark • Copyright • Attorneys

Suite 1250 • 701 Building • 701 Fourth Avenue South • Minneapolis, Minnesota 55415
Telephone (612) 573-2000 Facsimile (612) 573-2005

FAX TRANSMITTAL COVER SHEET

Date: 2/13/01

No. of pages: 7 (including this page)

To: Steve Ormiston
Company: HP
Your Ref.: 10003931-1
Fax No.: 208. 396. 3958
Phone No.:

From: Steve Dicke
Re: Patent Application
Drawings
Our Ref.: H302.157.101
Phone No.: 612.573.2002

Documents being sent:

Message:

Please notify us at 612-573-2000 if all pages are not received.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Exhibit D

DICKE, BILLIG & CZAJA, P.A.

Patent • Trademark • Copyright
ATTORNEYS

Suite 1250 • 701 Building • 701 Fourth Avenue South • Minneapolis, Minnesota 55415
Telephone: (612) 573-2000 Facsimile: (612) 573-2005

Steven E. Dicke
Direct Dial: (612) 573-2002

March 6, 2001

Ms. Dianna Baker
Legal Administrator
HEWLETT-PACKARD COMPANY
Legal Department, M/S 314
11311 Chinden Boulevard
Boise, ID 83714

VIA FEDERAL EXPRESS

RE: U.S. Patent Application for:
NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM
HP File No: 10003931-1
DBC File No.: H302.157.101

Dear Dianna:

Please find enclosed the following U.S. Patent Documents suitable for filing with the U.S. Patent and Trademark Office of the above-referenced patent application:

- Hard copy of Patent Application;
- Electronic copy of Patent Application on diskette;
- Formal drawings;
- Hard copy of claims/abstract with reference numerals for foreign filing;
- Electronic copy of claims/abstract with reference numerals for foreign filing on diskette;
- Form PTO-1449; and
- Eleven (11) cited references.

This patent application has been reviewed by the inventor(s) and Steve Ormiston and approved for filing. Enclosed are Assignment and Declaration and Power of Attorney documents for inventor signature. If you have any questions regarding this matter, please contact me at (612) 573-2002.

Regards,

DICKE, BILLIG & CZAJA, P.A.

Steven E. Dicke

Steven E. Dicke

SED:lij
Enclosures

Exhibit E

AS filed by
AP

"Express Mail" mailing label number EL737389628US

Date of Deposit April 3, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" services under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed Name of Person Mailing Paper or Fee: Terri Walker

Signatures Terri Walker

PATENT APPLICATION
DOCKET NO. 10003931-1

NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM

INVENTOR:

Brett M. Webb

Exhibit F

Hewlett-Packard Company

Legal Department
 11307 Chinden Boulevard MS 314
 Boise, Idaho 83714
 Fax: 208/396-3958

September 7, 2000

Steven E. Dicke, Esq.
 DICKE BILLIG & CZAJA PA
 701 Building
 710 Fourth Avenue South, Suite 1250
 Minneapolis, MN 55415

Re: Preparation and Filing of Patent Application
 Pursuant to Outside Counsel Procedures dated October 15, 1999
 HP Invention Disclosure PD No. 100003931-1
 Entitled: "Gift Idea Category For Existing Web Reminder Services"
 Inventor(s): Brett M. Webb
HP Required Receipt Date: February 24, 2001

Dear Steve:

We would like you to provide us with a quote of the cost for your firm to prepare a US patent application based on the HP invention disclosure identified above, a copy of which is enclosed. Your quote should be based on preparing and supplying us with the completed application, formal drawings, European claims and abstract, and a disk containing the electronic file for the application including European claims and abstract all to be received by the HP required receipt date stated above.

Your quote should be submitted on the enclosed Request for Quote And Engagement Letter Agreement. If your quote is accepted, we will return a fully executed copy of the Agreement to you for your records. **The Agreement will not be binding on you or on HP until signed by HP's authorized representative.**

If this Agreement is not signed and returned to HP, any bills submitted by you cannot be paid.

Thank you for your assistance in reviewing the invention disclosure. If your review indicates a possible conflict for your firm, you should advise us within one week of receipt of this letter.

Sincerely yours,

Yvonne Bailey for Steven R. Ormiston

Steven R. Ormiston
 Patent Attorney - Outsourcing Manager

SRO/TW
 Enc: Invention Disclosure
 Request for Quote/Agreement

Attachment 1

DICKE, BILLIG & CZAJA, P.A.

Patent • Trademark • Copyright ATTORNEYS

Suite 1250 • 701 Building • 701 Fourth Avenue South • Minneapolis, Minnesota 55415
Telephone: (612) 573-2000 Facsimile: (612) 573-2005

Steven E. Dicke
Direct Dial: (612) 573-2002

September 28, 2000

Paul Grunzweig, Esq.
15254 Curtis Avenue NW
Monticello, MN 55362

VIA COURIER

Hello Paul,

Attached are five Hewlett-Packard Invention Disclosures. I have enclosed a hard copy and an electronic copy of two Hewlett-Packard Patent Applications to use as templates, as well as sample copies of published e-commerce patents. The filing deadlines for these applications are as follows:

H302.████.101 -	Due November 12, 2000
H302.████.101 -	Due November 12, 2000
H302.████.101 -	Due February 15, 2001
H302.████.101 -	Due February 24, 2001
H302.157.101 -	Due February 24, 2001

If you need any further information in order to prepare these applications you may contact the inventors directly. Their contact information can be found in the invention disclosure forms. If you have any questions, please contact me.

Regards,



Steven E. Dicke

SED:ced

Enclosures

Attachment 2

DICKE, BILLIG & CZAJA, PLLC

Patent • Trademark • Copyright ATTORNEYS

Fifth Street Towers • 100 South Fifth Street • Suite 2250 • Minneapolis, Minnesota 55402
Telephone: (612) 573-2000 Facsimile: (612) 573-2005

Page: 1
02/01/2001

Account No: [REDACTED]
Invoice No: 9482

Hewlett-Packard Company
Financial Administrator - PMHP
Legal Dept. M/S 1068
HP Development Co, LP, PO Box 10301
Palo Alto CA 94303-0890
U.S.A.

Attn: Steve Ormiston

NETWORK BASED GIFT REMINDER AND PURCHASING ...

10003931-1

Fees

			Rate	Hours	
01/04/2001	PSG	Teleconference with inventors.	[REDACTED]	1.00	[REDACTED]
01/05/2001	PSG	Preparation of claims and application.	[REDACTED]	0.75	[REDACTED]
01/14/2001	PSG	Preparation of detailed description of patent application.	[REDACTED]	2.70	[REDACTED]
01/16/2001	PSG	Prepare/revise patent application.	[REDACTED]	0.40	[REDACTED]
01/17/2001	PSG	Prepare/revise claims and detailed description.	[REDACTED]	7.40	[REDACTED]
01/18/2001	PSG	Prepare/revise claims.	[REDACTED]	1.70	[REDACTED]
01/19/2001	PSG	Prepare/revise patent application.	[REDACTED]	2.40	[REDACTED]
01/22/2001	PSG	Prepare/revise patent application.	[REDACTED]	1.50	[REDACTED]
	PSG	Prepare/revise patent application.	[REDACTED]	2.90	[REDACTED]
01/26/2001	SED	Review/revise patent application.	[REDACTED]	1.70	[REDACTED]
01/29/2001	SED	Review/revise patent application; Discussions with Patent Draftsperson; Fax to Patent Draftsperson.	[REDACTED]	1.70	[REDACTED]
01/31/2001	SED	Revise patent application.	[REDACTED]	4.30	[REDACTED]
	PSG	Preparation of EP Claims and Abstract.	[REDACTED]	2.50	[REDACTED]
	PAR	Paralegal services in collecting complete file information; entering client information into Case Master database; creating file wrapper; in reviewing and updating request for quote; in updating HP status report; in docketing pertinent docket dates.	[REDACTED]	1.00	[REDACTED]
	PAR	Paralegal services in preparation of Assignment document; in preparation of Declaration; in forwarding documents for execution; in reviewing application and drawings for accuracy; in preparation of transmittal and calculation of fees; in filing application and related documents at U.S. Patent and Trademark Office; in completion of HP checklist; in updating Request for Quote; in updating docket dates; in updating CaseMaster re: filing of documents; in reporting matter to client.	[REDACTED]	1.00	[REDACTED]
	PAR	Paralegal services in preparation of Information Disclosure Statement; in preparation of PTO-1449 form; in compilation of related art; in preparation of transmittal sheet; in filing documents at U.S. Patent and Trademark Office; in updating CaseMaster re:	[REDACTED]		